

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: ADVANTAGE TELECOMMUNICATIONS CORPORATION	DOCKET NO. FCU-04-5 (FCU-03-16)
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ORDER GRANTING EXTENSION

(Issued August 3, 2004)

On February 4, 2004, the Utilities Board (Board) issued an order docketing this case as a formal complaint, ordering Advantage Telecommunications Corporation (Advantage) to respond to allegations raised in a customer complaint and assigning the case to the undersigned administrative law judge. The Board ordered Advantage's response to include answers to the following: (1) whether there is an alternative explanation to the events described in Ms. Mendenhall's complaint, and (2) what steps can be taken to prevent future similar occurrences, if the allegations are true.

On February 24, 2004, Advantage filed a motion for extension of time, requesting until at least March 31, 2004, to respond to the allegations raised in the complaint filed by Ms. Denise Mendenhall. Advantage stated it needed additional time to conduct a thorough investigation of the allegations and believed the additional time might enable it to track down the source of Ms. Mendenhall's complaint and whether the source is under the control of Advantage. The Consumer Advocate

Division of the Department of Justice did not object to the motion. The motion was granted in an order issued February 25, 2004, because it appeared that a short delay might be beneficial and would not be unjust or unreasonable. Advantage was given until March 31, 2004, to file its response. As of the date of this order, Advantage has not filed a response.

In the order, the undersigned ordered counsel for Advantage to comply with Utilities Board (Board) rule 199 IAC 7.2(7)"e," which provides that if an attorney is not licensed in Iowa, permission to appear must be granted by the Board and the written appearance of a resident attorney must be provided for service pursuant to Iowa Admission to the Bar rule 31.14(2). Rule 31.14(2) further requires the attorney to file with the Board a verified statement that contains the attorney's agreement to submit to and comply with the Iowa Code of Professional Responsibility for Lawyers. As of the date of this order, counsel for Advantage has not complied with this requirement.

The order further provided that it would be served on the attorney for Advantage. In reviewing the file, the undersigned notes that the order was served on Ms. Sonya Bly, President, Advantage Telecommunications Corp., P.O. Box 140927, Orlando, Florida 32814, rather than on Mr. Scott Shaffer, attorney for Advantage, The Lustigman Firm, P.C., 149 Madison Ave., Suite 805, New York, New York 10016.

This order should be served on the attorney for Advantage, Mr. Scott Shaffer. Since the previous order was not served on the attorney for Advantage, Advantage will be given an extension to comply with the requirement to file a response as

detailed in the prior orders. However, Advantage should take note of the provisions of Iowa Code § 476.51 (2003).

IT IS THEREFORE ORDERED:

1. On or before August 24, 2004, Advantage must file its response.
2. On or before August 24, 2004, counsel for Advantage must comply with Utilities Board (Board) rule 199 IAC 7.2(7)"e," which provides that if an attorney is not licensed in Iowa, permission to appear must be granted by the Board and the written appearance of a resident attorney must be provided for service pursuant to Iowa Admission to the Bar rule 31.14(2). Rule 31.14(2) further requires the attorney to file with the Board a verified statement that contains the attorney's agreement to submit to and comply with the Iowa Code of Professional Responsibility for Lawyers.
3. A copy of this order will be served on Mr. Scott Shaffer, attorney for Advantage, The Lustigman Firm, P.C., 149 Madison Ave., Suite 805, New York, New York 10016, the Consumer Advocate, and Ms. Mendenhall.

UTILITIES BOARD

/s/ Amy L. Christensen
Amy L. Christensen
Administrative Law Judge

ATTEST:

/s/ Sharon Mayer
Executive Secretary, Assistant to

Dated at Des Moines, Iowa, this 3rd day of August, 2004.